



**PARDALIS & NOHAVICKA, LLP**  
ATTORNEYS

November 21, 2024

**VIA ECF**

Honorable Denise Cote  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1910  
New York, NY 10007

*The conference is adjourned to  
January 7 at 3 pm in  
Courtroom 18B.*  
*Denise Cote*  
*11/21/24*

Re: *Americas Choice Veterans Construction Inc. v. City of New York et al.*  
Civil Case No.: 1:24-cv-06522-DLC

**Request for Adjournment of Initial Pretrial Conference from December 6, 2024  
Until a Date After January 6, 2025, or, Alternatively, Permission to Appear  
Telephonically or Via Video Conference**

Dear Respected District Judge Cote:

We represent Defendants Edward F. Guida, Albert Pena and Gregg Wasserman and respectfully submit the instant letter motion pursuant to Rule 1E of Your Honor's Individual Practices in Civil Cases to request the rescheduling of the initial pretrial conference currently scheduled for December 6, 2024, at 2:00 PM (ECF No. 39) until a date after January 6, 2025, or, alternatively, permission to appear via telephone or video conference on that date because of a scheduling conflict.

On November 19, 2024, I reached out to counsel for Plaintiffs and co-Defendants regarding availability for a rescheduling of the conference, proposing potential earlier days of December 3-5, 2024, or the following week of December 9-13, 2024, of course subject to Your Honor's directive. While counsel for co-Defendants Teachers Federal Credit Union ("TFCU") and the City of New York ("City") have graciously consented to rescheduling, scheduling conflicts remain: counsel for TFCU is available only on December 11 and 13, 2024, but counsel for the City is unavailable on those dates, and is instead only available on

December 9, 10 and 12 (and generally not on Wednesdays and Fridays). Plaintiff's attorney has not yet responded to my inquiry.

Additionally, I will be traveling abroad on December 14, 2024, due to a family health issue and will return on January 4, 2025. In light of these circumstances, I respectfully request that the Court adjourn the conference to a date after January 6, 2025. If this is not feasible, I alternatively request permission to appear via telephone or video conference on December 6, 2024.

This is the second application to reschedule the initial pretrial conference. On October 31, 2024, defense counsel requested an adjournment of the previously scheduled November 1, 2024, conference (ECF Nos. 13, 38), noting that defense counsel had then just begun to appear and no responsive documents to the Complaint had been filed at that time. Your Honor graciously granted that request and also partially granted an application to extend the time to respond to the complaint.

Since then, progress has been made on advancing this litigation. Communications have occurred between our firm and Plaintiff's counsel addressing some issues raised in the complaint, communications have occurred amongst various defense counsel and work toward meaningfully responding to the complaint has begun.

In light of these circumstances, it is respectfully requested that the Court adjourn the initial pretrial conference to a date after January 6, 2025. This adjournment will allow all parties to participate meaningfully and fully. If this is not feasible, I alternatively request permission to appear via telephone or video conference on December 6, 2024, to minimize delays and ensure continued progress in this matter.

The instant request will not affect any other deadlines.

We appreciate Your Honor's understanding and are available to address any further questions or concerns. We thank Your Honor for Your time and consideration to this matter.

Respectfully submitted,

**PARDALIS & NOHAVICKA, LLP**

By: /s/Eleni Melekou  
Eleni Melekou, Esq.

cc (Via ECF):

Clerk of the Court  
All Counsel